

MATERIALS FOR MAKING SPIRITS UNFIT
FOR BEVERAGE USE

§ 19.746 Authorized materials.

(a) *General.* The appropriate TTB officer determines what materials make spirits unfit for beverage use but do not impair the quality of the spirits for fuel use. Spirits treated with materials authorized under this section will be considered rendered unfit for beverage use and eligible for withdrawal as fuel alcohol.

(b) *Authorized materials.* Subject to the specifications in paragraph (c) of this section, proprietors are authorized to render spirits unfit for beverage use by adding to each 100 gallons of spirits any of following materials in the quantities specified:

- (1) Two gallons or more of—
 - (i) Gasoline or automotive gasoline (for use in engines that require unleaded gasoline, the Environmental Protection Agency and manufacturers specifications may require that unleaded gasoline be used to render spirits unfit for beverage use);
 - (ii) Natural gasoline;
 - (iii) Kerosene;
 - (iv) Deodorized kerosene;
 - (v) Rubber hydrocarbon solvent;
 - (vi) Methyl isobutyl ketone;
 - (vii) Mixed isomers of nitropropane;
 - (viii) Heptane;
 - (ix) Ethyl tertiary butyl ether (ETBE);
 - (x) Raffinate;
 - (xi) Naphtha; or
 - (xii) Any combination of the materials listed in (b)(1)(i) through (xi) of this section; or
- (2) Five gallons or more of Toluene; or

(3) One-eighth ($\frac{1}{8}$) of an ounce of denatonium benzoate N.F. and 2 gallons of isopropyl alcohol.

(c) *Specifications.* (1) Specifications for gasoline, unleaded gasoline, kerosene, deodorized kerosene, rubber hydrocarbon solvent, methyl isobutyl ketone, mixed isomers of nitropropane, heptane, toluene, and isopropyl alcohol are found in part 21, subpart E, of this chapter.

(2) Natural gasoline must meet the following specifications—

(i) Natural gasoline (drip gas) is a mixture of butane, pentane, and hexane

hydrocarbons extracted from natural gas; and

(ii) Distillation range: No more than 10 percent of the sample may distill below 97 degrees Fahrenheit; at least 50 percent shall distill at or below 156 degrees Fahrenheit; and at least 90 percent shall distill at or below 209 degrees Fahrenheit.

(3) Raffinate must meet the following specifications—

- (i) Octane (R + M/2): 66–70;
- (ii) Distillation, in degrees Fahrenheit: 10 percent: 120–150 °F; 50 percent: 144–180 °F; 90 percent: 168–200 °F; end point: 216–285 °F;
- (iii) API Gravity: 76–82; and
- (iv) Reid Vapor Pressure: 5–11.

(4) Naphtha must meet the following specifications—

- (i) API Gravity @ 60/60 degrees Fahrenheit: 64–70 °F;
- (ii) Lb/Gal: 5.845–6.025;
- (iii) Density: 0.7022–0.7238;
- (iv) Reid Vapor Pressure: 8 P.S.I.A. Max.;
- (v) Distillation in degrees Fahrenheit: I.B.P.: 85 °F Max.; 10 percent: 130 °F Max.; 50 percent: 250 °F Max.; 90 percent: 340 °F Max.; end point: 380 °F;
- (vi) Copper Corrosion: 1; and
- (vii) Sabolt Color: 28 Min.

(d) *Published list.* The appropriate TTB officer periodically publishes a list of materials that may be used to make spirits unfit for beverage use in addition to those listed in paragraph (b) of this section. The list can be found at <http://www.ttb.treas.gov>. The list will specify the material name and quantity required to render spirits unfit for beverage use.

(26 U.S.C. 5181)

§ 19.747 Other materials.

If a proprietor wishes to use a material to render spirits unfit for beverage use that is not authorized under § 19.746 or that is not on the published list of materials, the proprietor may submit an application for approval to the appropriate TTB officer. The application must include the name of the material and the quantity of material that the proprietor proposes to add to each 100 gallons of spirits. The appropriate TTB officer may require the proprietor to submit an 8-ounce sample of such material. The proprietor may not use any

§ 19.749

proposed material until the appropriate TTB officer approves its use. Any material that impairs the quality of the spirits for fuel use will not be approved. The proprietor must retain as part of the records available for inspection by appropriate TTB officers any application approved by the appropriate TTB officer under this section.

(26 U.S.C. 5181)

RULES FOR TAKING SAMPLES

§ 19.749 Samples.

The following rules apply to the testing and analysis of samples of spirits and fuel alcohol for purposes of this subpart:

(a) A proprietor may take samples of spirits and fuel alcohol for on-site testing and analysis at the proprietor's alcohol fuel plant;

(b) A proprietor may not remove samples of spirits from the premises of the alcohol fuel plant for testing and analysis;

(c) A proprietor may remove samples of fuel alcohol from the premises of the alcohol fuel plant for testing and analysis at a qualified laboratory;

(d) A proprietor of an alcohol fuel plant must account for all samples in the record required by § 19.718(b)(4); and

(e) A proprietor of an alcohol fuel plant must indicate on each container that the spirits or fuel alcohol inside is a sample.

(26 U.S.C. 5181)

MARKING REQUIREMENTS

§ 19.752 Marks.

(a) *Fuel alcohol.* A proprietor of an alcohol fuel plant must place a conspicuous and permanent warning mark or label on each container of 55 gallons or less of fuel alcohol that the proprietor will withdraw from the plant premises. The proprietor must place the mark or label on the head or side of the container and must use plain, legible letters. The proprietor may place other marks or labels on the container if the other marks or labels do not obscure the required warning. The required warning is as follows:

27 CFR Ch. I (4–1–16 Edition)

WARNING

FUEL ALCOHOL

MAY BE HARMFUL OR

FATAL IF SWALLOWED

(b) *Spirits.* If a proprietor intends to transfer barrels, drums, or similar portable containers of spirits to a distilled spirits plant qualified under subpart D of this part, the proprietor must mark or label each container. The proprietor must place the mark or label on the head or side of the container and must use plain, legible letters. The proprietor may place other marks or labels on the container if the other marks or labels do not obscure the required marks or labels. The required mark or label each container must contain the following information:

(1) Quantity in wine gallons;

(2) Proof of the spirits;

(3) Name, address, and permit number of the alcohol fuel plant;

(4) The words “Spirits—For Alcohol Fuel Use Only”; and

(5) The serial number of the container. Serial numbers must be assigned as follows—

(i) Consecutively commencing with “1”;

(ii) When the numbering system of any series reaches “1,000,000” the proprietor may begin the series again by adding an alphabetical prefix or suffix to the series; and

(iii) When there is a change in proprietorship or a change in the individual, firm, corporate name, or trade name, the series in use at the time of the change may be continued.

(26 U.S.C. 5181, 5206)

Subpart Y—Paperwork Reduction Act

§ 19.761 OMB control numbers assigned under the Paperwork Reduction Act.

(a) *Purpose.* This subpart displays the control numbers assigned to information collection requirements in this part by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, Public Law 104–13.